

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARY LODGE,

Plaintiff,

v.

UNITED HOMES, LLC, UNITED PROPERTY GROUP, LLC, YARON HERSHCO, GALIT NETWORK, LLC, OLYMPIA MORTGAGE CORP., BAYVIEW LOAN SERVICING, LLC, BAYVIEW ASSET MANAGEMENT, LLC, US BANK AND TRUST, and WILSHIRE CREDIT CORP.,

Defendants.

Civil Action No.: CV-05-0187
(KAM)(RLM)

NOTICE OF MOTION TO STRIKE HOLDER-IN-DUE-COURSE DEFENSE

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Statement pursuant to Rule 56.1 of the Local Rules of the District Court for the Eastern District of York, the Declaration of Sara Manaugh, and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Honorable District Judge Kiyo A. Matsumoto, at the United States Courthouse for the Eastern District of New York at 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and at a time to be designated by the Court, for an Order pursuant to Rules 56(a) and 37(c) of the Federal Rules of Civil Procedure, striking the holder-in-due course defense asserted by certain defendants in this action, and for such further or different relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the February 23, 2011 Order of the Honorable Kiyo A. Matsumoto, answering papers, if any, must be served on the undersigned counsel by March 18, 2011.

Dated: March 3, 2011
Brooklyn, New York

Respectfully submitted,



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